

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Justin Alexander,

Case No. 3:19 CV 714

Plaintiff,

v.

ORDER

C.O. Dunlap, et al.,

Defendants.

This is a *pro se* prisoner civil right case under 42 U.S.C. § 1983 in which plaintiff alleges defendant Correctional Officers Dunlap and Benjamin of the Allen Correctional Institution used excessive force against plaintiff in violation of the Eighth and Fourteenth Amendments. Defendants moved to dismiss. (Doc. 10).

Following referral to Magistrate Judge James R. Knepp, II, who filed a Report & Recommendation, recommended dismissal of the complaint against defendant Benjamin without prejudice to refile.

Though duly on notice in the Report & Recommendation that he had twenty days to file objections to said report, plaintiff has failed to do so. Nonetheless, I have reviewed the Report & Recommendation de novo; based on such review, I find the Report & Recommendation well taken in all respects.

It is, accordingly hereby,

ORDERED THAT the recommendation of the Magistrate Judge's Report & Recommendation that the complaint against defendant Benjamin be, and the same hereby is

adopted and the motion to dismiss the complaint against defendant Benjamin (Doc. 10) be, and the same hereby is granted; and that the complaint against defendant Dunlap be, and the same hereby is, *sua sponte*, dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m).

So ordered.

/s/James G. Carr
Sr. U.S. District Judge